

## VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

Manufacturer	VSP	VSA	VCP	Model type	Body	Model year
Toyota .....	328	.....	.....	RAV4 .....		1996
Toyota .....	200	.....	.....	Van .....		1987–1988
Triumph MC .....	311	.....	.....	Thunderbird .....		1995–1999
Vespa MC .....	378	.....	.....	ET2, ET4 .....		2001–2002
Volkswagen .....	237	.....	.....	Beetle Convertible .....		1978–1979
Volkswagen .....	306	.....	.....	Eurovan .....		1993–1994
Volkswagen .....	159	.....	.....	Golf .....		1987
Volkswagen .....	80	.....	.....	Golf .....		1988
Volkswagen .....	92	.....	.....	Golf .....		1993
Volkswagen .....	73	.....	.....	Golf Rally .....		1988
Volkswagen .....	149	.....	.....	GTI (Canadian) .....		1991
Volkswagen .....	274	.....	.....	Jetta .....		1994–1996
Volkswagen .....	148	.....	.....	Passat 4 door Sedan .....		1992
Volkswagen .....	.....	42	.....	Scirocco .....		1986
Volkswagen .....	284	.....	.....	Transporter .....		1988— 1989
Volkswagen .....	251	.....	.....	Transporter .....		1990
Volvo .....	43	.....	.....	262C .....		1981
Volvo .....	87	.....	.....	740 Sedan .....		1988
Volvo .....	286	.....	.....	850 Turbo .....		1995— 1998
Volvo .....	95	.....	.....	940 GL .....		1993
Volvo .....	132	.....	.....	945 GL .....		1994
Volvo .....	176	.....	.....	740 Sedan & Wagon .....		1994
Volvo .....	335	.....	.....	S70 .....		1998— 2000
Yamaha MC .....	113	.....	.....	FJ1200 .....		1991
Yamaha MC .....	360	.....	.....	R1 .....		2000
Yamaha MC .....	171	.....	.....	RD-350 .....		1983
Yamaha MC .....	301	.....	.....	Virago .....		1990— 1998

[67 FR 59099, Sept. 19, 2002]

**PART 594—SCHEDULE OF FEES  
AUTHORIZED BY 49 U.S.C. 30141**

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AUTHORITY: 49 U.S.C. 30141, 31 U.S.C. 9701; delegation of authority at 49 CFR 1.50.

SOURCE: 54 FR 40107, Sept. 29, 1989, unless otherwise noted.

**§ 594.1 Scope.**

This part establishes the fees authorized by 49 U.S.C. 30141.

[61 FR 51045, Sept. 30, 1996]

**§ 594.2 Purpose.**

The purposes of this part is to ensure that NHTSA is reimbursed for costs incurred in administering the importer registration program, in making determinations whether a nonconforming vehicle is eligible for importation into the United States, and in processing the bond furnished to the Secretary of the Treasury given to ensure that an imported vehicle not originally manufactured to conform to all applicable Federal motor vehicle safety standards is brought into compliance with the safety standards, or will be exported, or abandoned to the United States.

**§ 594.3 Applicability.**

This part applies to any person who applies to NHTSA to be granted the status of Registered Importer under part 592 of this chapter, to any person

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who has been granted such status, to any manufacturer not a Registered Importer who petitions the Administrator for a determination pursuant to part 593 of this chapter, and to any person who imports a motor vehicle into the United States pursuant to such determination.

[55 FR 40667, Oct. 4, 1990]

#### § 594.4 Definitions.

All terms used in this part that are defined in 49 U.S.C. 30102 are used as defined in that section.

*Administrator* means the Administrator of the National Highway Traffic Safety Administration.

*NHTSA* means the National Highway Traffic Safety Administration.

*Registered Importer* means any person who has been granted the status of registered importer under part 592 of this chapter, and whose registration has not been revoked.

[54 FR 40107, Sept. 29, 1989, as amended at 61 FR 51045, Sept. 30, 1996]

#### § 594.5 Establishment and payment of fees.

(a) The fees established by this part continue in effect until adjusted by the Administrator. The Administrator reviews the amount or rate of fees established under this part and, if appropriate, adjusts them by rule at least every 2 years.

(b) The fees applicable in any fiscal year are established before the beginning of such year. Each fee is calculated in accordance with this part, and is published in the FEDERAL REGISTER not later than September 30 of each year.

(c) An applicant for status as Registered Importer shall submit an initial annual fee with the application. A Registered Importer shall pay an annual fee not later than October 31 of each year. The fee is that specified in § 594.6(i).

(d) A person who petitions the Administrator for a determination that a vehicle is eligible for importation shall file with the petition the fee specified in § 594.7(e).

(e) A person who imports a vehicle covered by a determination of the Administrator shall pay the fee specified

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in either § 594.8 (b) or (c), as appropriate. Such fee shall be transmitted to the Administrator by the Registered Importer responsible for such vehicle at the time it furnishes a certificate of conformity pursuant to § 591.7(e) of this chapter.

(f) A fee for reimbursement for bond processing costs shall be filed with each certificate of conformity furnished the Administrator.

(g) A fee for the review and processing of a conformity certificate shall be submitted with each certificate of conformity furnished to the Administrator.

(h) No application or petition will be accepted for filing or processed before payment of the full amount specified. Except as provided in § 594.6(d), a fee shall be paid irrespective of NHTSA's disposition of the application, or of a withdrawal of an application.

(i) Fee payments shall be by check, draft, money order, or Electronic Funds Transfer System made payable to the Treasurer of the United States.

[54 FR 40107, Sept. 29, 1989, as amended at 55 FR 40667, Oct. 4, 1990; 62 FR 50882, Sept. 29, 1997]

#### § 594.6 Annual fee for administration of the registration program.

(a) Each person filing an application to be granted the status of a Registered Importer pursuant to part 592 of this chapter on or after October 1, 2002, must pay an annual fee of \$655, as calculated below, based upon the direct and indirect costs attributable to:

(1) Processing and acting upon such application;

(2) Any inspection deemed required for a determination upon such application;

(3) The estimated remaining activities of administering the registration program in the fiscal year in which such application is intended to become effective.

(b) That portion of the initial annual fee attributable to the processing of the application for applications filed on and after October 1, 2002, is \$395. The sum of \$395, representing this portion, shall not be refundable if the application is denied or withdrawn.

(c) If, in order to make a determination upon an application, NHTSA must

make an inspection of the applicant's facilities, NHTSA notifies the applicant in writing after the conclusion of any such inspection, that a supplement to the initial annual fee in a stated amount is due upon receipt of such notice to recover the direct and indirect costs associated with such inspection and notification, and that no determination will be made upon the application until such sum is received. Such sum is not refundable if the application is denied or withdrawn.

(d) That portion of the initial annual fee attributable to the remaining activities of administering the registration program on and after October 1, 2002, is set forth in paragraph (i) of this section. This portion shall be refundable if the application is denied, or withdrawn before final action upon it.

(e) Each Registered Importer who wishes to maintain the status of Registered Importer shall pay a regular annual fee based upon the direct and indirect costs of administering the registration program, including the suspension and reinstatement, and revocation of such registration.

(f) The elements of administering the registration program that are included in the regular annual fee are:

(1) Calculating, revising, and publishing the fees to apply in the next fiscal year, including such coordination as may be required with the U.S. Customs Service.

(2) Processing and reviewing the annual statement attesting to the fact that no material change has occurred in the Registered Importer's status since filing its original application.

(3) Processing the annual fee.

(4) Processing and reviewing any amendments to an annual statement received in the course of a fiscal year.

(5) Verifying through inspection or otherwise that a Registered Importer is complying with the requirements of Sec. 592.6(b)(3) of this chapter for recordkeeping.

(6) Verifying through inspection or otherwise that a Registered Importer is able technically and financially to carry out its responsibilities pursuant to 49 U.S.C. 30118 *et seq.*

(7) Invoking procedures for suspension of registration and its reinstatement, and for revocation of registra-

tion pursuant to Sec. 592.7 of this chapter.

(g) The direct costs included in establishing the annual fee for maintaining registered importer status are the estimated costs of professional and clerical staff time, computer and computer operator time, and postage, per Registered Importer. The direct costs included in establishing the annual fee for a specific Registered Importer are costs of transportation and *per diem* attributable to inspections conducted with respect to that Registered Importer in administering the registration program, which have not been included in a previous annual fee.

(h) The indirect costs included in establishing the annual fee for maintaining Registered Importer status are a pro rata allocation of the average salary and benefits of persons employed in processing annual statements, or changes thereto, in recommending continuation of Registered Importer status, and a pro rata allocation of the costs attributable to maintaining the office space, and the computer or word processor. This cost is \$13.90 per man-hour for the period beginning October 1, 2000.

EDITORIAL NOTE: At 67 FR 60599, Sept. 26, 2002, § 594.6 was amended by revising paragraph (h). However, only the last sentence was revised.

(h) \* \* \* This cost is \$14.85 per man-hour for the period beginning October 1, 2002.

(i) Based upon the elements, and indirect costs of paragraphs (f), (g), and (h) of this section, the component of the initial annual fee attributable to administration of the registration program, covering the period beginning October 1, 2002, is \$260. When added to the costs of registration of \$395, as set forth in paragraph (b) of this section, the costs per applicant to be recovered through the annual fee are \$655. The annual renewal registration fee for the period beginning October 1, 2002, is \$455.

[54 FR 40107, Sept. 29, 1989; 55 FR 78, Jan. 2, 1990, as amended at 55 FR 40667, Oct. 4, 1990; 56 FR 49429, Sept. 30, 1991; 58 FR 51023, Sept. 30, 1993; 61 FR 51045, Sept. 30, 1996; 63 FR 45185, Aug. 25, 1998; 65 FR 56500, Sept. 19, 2000; 67 FR 60599, Sept. 26, 2002; 67 FR 62897, Oct. 9, 2002]

## § 594.7

### **§ 594.7 Fee for filing petition for a determination whether a vehicle is eligible for importation.**

(a) Each manufacturer or registered importer who petitions NHTSA for a determination that—

(1) A nonconforming vehicle is substantially similar to a vehicle originally manufactured for importation into and sale in the United States and of the same model year as the model for which petition is made, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards, or

(2) A nonconforming vehicle has safety features that comply with or are capable of being modified to comply with all applicable Federal motor vehicle safety standards,

shall pay a fee based upon the direct and indirect costs of processing and acting upon such petition.

(b) The direct costs attributable to processing a petition filed pursuant to paragraph (a) of this section include the average cost per professional staff-hour, computer and computer operator time, and postage. The direct costs also include those attributable to any inspection of a vehicle requested by a petitioner in substantiation of its petition.

(c) The indirect costs attributable to processing and acting upon a petition filed pursuant to paragraph (a) of this section include a pro rata allocation of the average salary and benefits of persons employed in processing the petitions and recommending decisions on them, and a pro rata allocation of the costs attributable to maintaining the office space, and the computer or word processor.

(d) The direct costs attributable to acting upon a petition filed pursuant to paragraph (a) of this section, also include the cost of publishing a notice in the FEDERAL REGISTER seeking public comment, the cost of publishing a second notice with the agency's determination, and a pro rata share of the cost of publishing an annual list of nonconforming vehicles determined to be eligible for importation.

(e) For petitions filed on and after October 1, 2002, the fee payable for seeking a determination under paragraph (a)(1) of this section is \$175. The

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fee payable for a petition seeking a determination under paragraph (a)(2) of this section is \$800. If the petitioner requests an inspection of a vehicle, the sum of \$550 shall be added to such fee. No portion of this fee is refundable if the petition is withdrawn or denied.

(f) In adopting a fee for the next fiscal year, the Administrator employs data based upon the cost of determinations and the amount of fees received for the 12-month period ending June 30 of the fiscal year preceding that fiscal year.

[54 FR 40107, Sept. 29, 1989, as amended at 55 FR 40667, Oct. 4, 1990; 56 FR 49429, Sept. 30, 1991; 58 FR 51023, Sept. 30, 1993; 61 FR 51045, Sept. 30, 1996; 65 FR 56500, Sept. 19, 2000; 67 FR 60599, Sept. 26, 2002]

### **§ 594.8 Fee for importing a vehicle pursuant to a determination by the Administrator.**

(a) A fee as specified in paragraphs (b) and (c) of this section shall be paid by each importer of a vehicle covered by a determination made under part 593 of this chapter to cover the direct and indirect costs incurred by NHTSA in making such determinations.

(b) If a determination has been made pursuant to a petition, the fee for each vehicle is \$125. The direct and indirect costs that determine the fee are those set forth in §§ 594.7(b), (c), and (d).

(c) If a determination has been made on or after October 1, 2002, pursuant to the Administrator's initiative, the fee for each vehicle is \$125. The direct and indirect costs that determine the fee are those set forth in §§ 594.7(b), (c), and (d), and references to "petition" shall be understood as relating to NHTSA's documents that serve as a basis for initiating determinations on its own initiative.

[55 FR 40667, Oct. 4, 1990, as amended at 58 FR 51023, Sept. 30, 1993; 61 FR 51045, Sept. 30, 1996; 63 FR 45186, Aug. 25, 1998; 65 FR 56500, Sept. 19, 2000; 67 FR 60599, Sept. 26, 2002]

### **§ 594.9 Fee for reimbursement of bond processing costs.**

(a) Each registered importer shall pay a fee based upon the direct and indirect costs of processing each bond furnished to the Secretary of the Treasury with respect to each vehicle for which it furnishes a certificate of

conformity to the Administrator pursuant to § 591.7(e) of this chapter.

(b) The direct and indirect costs attributable to processing a bond are provided to NHTSA by the U.S. Customs Service.

(c) The bond processing fee for each vehicle imported on and after October 1, 2002, for which a certificate of conformity is furnished, is \$6.20.

[54 FR 40107, Sept. 29, 1989, as amended at 56 FR 49429, Sept. 30, 1991; 58 FR 51023, Sept. 30, 1993; 61 FR 51045, Sept. 30, 1996; 63 FR 45186, Aug. 25, 1998; 65 FR 56500, Sept. 19, 2000; 67 FR 60599, Sept. 26, 2002]

**§ 594.10 Fee for review and processing of conformity certificate.**

(a) Each registered importer shall pay a fee based on the agency's direct and indirect costs for the review and processing of each certificate of conformity furnished to the Administrator pursuant to § 591.7(e) of this chapter.

(b) The direct costs attributable to the review and processing of a certificate of conformity include the estimated cost of contract and professional staff time, computer usage, and record assembly, marking, shipment and storage costs.

(c) The indirect costs attributable to the review and processing of a certificate of conformity include a pro rata allocation of the average benefits of persons employed in reviewing and processing the certificates, and a pro rata allocation of the costs attributable to the rental and maintenance of office space and equipment, the use of office supplies, and other overhead items.

(d) The review and processing fee for each certificate of conformity submitted on and after October 1, 2002 is \$18. However, if the vehicle covered by the certificate has been entered electronically with the U.S. Customs Service through the Automated Broker Interface and the registered importer submitting the certificate has an e-mail address, the fee for the certificate is \$6, provided that the fee is paid by a credit card issued to the registered importer. If NHTSA finds that the information in the entry or the certificate is incorrect, requiring further processing, the processing fee shall be \$18. However, if the importer electronically

corrects the incorrect information, the processing fee shall be \$12 rather than \$18.

[62 FR 50882, Sept. 29, 1997, as amended at 63 FR 45186, Aug. 25, 1998; 65 FR 56500, Sept. 19, 2000; 67 FR 60599, Sept. 26, 2002]

**PART 595—RETROFIT ON-OFF SWITCHES FOR AIR BAGS**

**Subpart A—General**

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**Subpart B—Retrofit On-Off Switches for Air Bags**

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**Subpart C—Vehicle Modifications to Accommodate People With Disabilities**

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APPENDIX A TO PART 595—INFORMATION BROCHURE.

APPENDIX B TO PART 595—REQUEST FORM.

APPENDIX C TO PART 595—INSTALLATION OF AIR BAG ON-OFF SWITCHES.

AUTHORITY: 49 U.S.C. 322, 30111, 30115, 30117, 30122 and 30166; delegation of authority at 49 CFR 1.50.

SOURCE: 62 FR 62442, Nov. 21, 1997, unless otherwise noted.

**Subpart A—General**

**§ 595.1 Scope.**

This part establishes conditions under which the compliance of motor vehicles and motor vehicle equipment with the Federal motor vehicle safety standards may be made inoperative.

[66 FR 12655, Feb. 27, 2001]

**§ 595.2 Purpose.**

The purpose of this part is to provide an exemption from the "make inoperative" provision of 49 U.S.C. 30122 that permits motor vehicle dealers and motor vehicle repair businesses to install retrofit air bag on-off switches and to otherwise modify motor vehicles